



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

BCS/170275

PRELIMINARY RECITALS

Pursuant to a petition filed November 19, 2015, under Wis. Stat. § 49.45(5)(a), to review a decision by the Polk County Department of Social Services in regard to Medical Assistance, a hearing was held on December 16, 2015, at Balsam Lake, Wisconsin.

The issue for determination whether the petitioner is entitled to retroactive BadgerCare Plus Prenatal benefits.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

I

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Polk County Department of Social Services
100 Polk County Plaza, Suite 50
Balsam Lake, WI 54810

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Polk County.
2. The petitioner is not a citizen of the United States or an alien who qualifies for regular medical assistance programs.

3. The petitioner applied for medical assistance prenatal benefits on October 22, 2015, when she called to report that she was pregnant. She was given benefits from that point until they ended because she had insurance through her employer.
4. The petitioner seeks benefits retroactive to August 1, 2015.

DISCUSSION

I note initially that the petitioner's native language is Spanish. I offered to postpone this matter to obtain an interpreter, but she indicated that she could understand English and wished to proceed. I did not notice that she had any difficulty understanding the proceedings.

A person must be a citizen of the United States or fall into certain categories of aliens to qualify for regular medical assistance benefits. Wis. Admin. Code, § DHS 103.03(2). The petitioner is an alien who does not meet any of these special categories. But even aliens can qualify for the BadgerCare Plus Prenatal Program, which covers pregnant women whose income is less than 306% of the federal poverty level and who do not have insurance through an employer. *BadgerCare Plus Handbook*, § 41.2.

On October 22, 2015, the petitioner informed the county agency that she was pregnant. The agency found her eligible from that point forward. (Her benefits did end soon after this because she had insurance from her employer, but this is not relevant to this matter.) She seeks benefits retroactive to August 1, 2015. She is not entitled to this because there is no presumption that a person qualifies for prenatal benefits, and the benefits cannot be given retroactively. *BadgerCare Plus Handbook*, § 41.2.1. Therefore, I must uphold the agency's decision.

CONCLUSIONS OF LAW

The county agency correctly determined that the petitioner is not entitled to BadgerCare Plus Prenatal benefits.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of

Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 5th day of January, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on January 5, 2016.

Polk County Department of Social Services
Division of Health Care Access and Accountability